

MARINE MAMMAL ENTANGLEMENT WORKING GROUP
Stellwagen Bank National Marine Sanctuary Headquarters (SBNMS)
Scituate, Massachusetts
9:00 AM to 4:30 PM
February 11, 2004

MEETING #3 SUMMARY

AGREEMENTS:

The Marine Mammal Entanglement Working Group (WG) reached agreement on the following points:

- The Marine Mammal Entanglement WG supports the gear buy-back program.
- Enforcement does not need to be part of the draft Marine Mammal Disentanglement Action Plan.
- The Sanctuary will maintain existing outreach programs that encourage public awareness.
- The WG agreed that the Sanctuary should remain involved in gear modification research.
- The WG agreed that there should be an annual meeting to view fishing gear removed from entangled whales.

RECOMMENDATIONS:

The Marine Mammal Entanglement WG agreed that the following recommendations will be forwarded to Sanctuary Advisory Council:

- It is recommended that an open meeting be held every January to demonstrate gear that was found on entangled whales. Fishermen invited via an email distribution list could see the gear and evaluate the gear against the report findings as to what type of gear it was. The WG was in favor of this idea.
- It is recommended that the Trap Fisheries Action Plan be implemented within 5 years or sooner if mandated by NMFS.
- It is recommended that the Trap Fisheries Action Plan cover all current and future trap/pot fisheries.
- It is recommended that within 5 years, or sooner as required by NMFS, that all current and future trap/pot fisheries use sinking groundlines in the Sanctuary or comply with the NMFS regulations if they are more stringent.
- It is recommended that the uniform breakaway strength of 600 pounds for weak links be used in the Sanctuary.
- It is recommended that because buoy lines are currently undergoing research and development, the next management plan will investigate vertical lines (buoy lines) and how to make them less risky. However, any new innovations mandated by NMFS should also be implemented in the Sanctuary.
- It is recommended that the possibility of gear marking of newly fabricated groundline should be explored as part of the buy-back program. It is recommended that it be marked in such a way that identifies it as groundline that is part of the gear buy-back program.
- It is recommended that the number and type of deployed gear in the SBNMS be determined to ascertain who uses the area and when (for data collection purposes only). A seasonal and annual risk assessment would determine what gear is there when whales are there.
- It is recommended that the SBNMS continue surveying (by aerial surveys or vessel surveys) the entire Stellwagen Bank for co-occurrence of whales and gear.

- It is recommended that the SBNMS explore ways to mark different fixed gears so they can be identified by surface markings (buoys and anchoring systems with the name of the vessel, different colored poly balls, etc.) within 5 years (or sooner if mandated by the NMFS).
- It is recommended that the Sanctuary be used as a testing ground for new technologies as they become available to reduce the risk of entanglement to animals.
- It is recommended that funds be made available to develop whale-safe gear.
- It is recommended that research in the Sanctuary on endline profiles be encouraged to determine entanglement risks from the various configurations.
- It is recommended that the Sanctuary continue to work with fishermen, conservationists, NMFS, and MADMF to develop low-risk gear.
- It is recommended that SBNMS staff work with and encourage conservation scientists and fishermen to apply for National Fish & Wildlife Foundation grant money or NMFS mini-grants.

ACTION ITEMS:

ACTION ITEM 1: M. Rossman will present on March 10 seabird, sea turtle, and seal entanglement data for the period between 1997 through 2002 (and possibly other species as well, e.g. Cetaceans, Pinnipeds, Odontocetes) collected from within SBNMS, and from within Massachusetts Bay. The purpose of the analysis is to compare and evaluate entanglement activity within the boundary of the Sanctuary with those in the general vicinity.

ACTION ITEM 2: In progress: David Wiley will contact the National Fish & Wildlife Service and Dave Gouveia will check with the National Oceanic and Atmospheric Administration (NOAA) to determine who is responsible for seabird entanglements (e.g., National Fish and Wildlife or NOAA). They will present their findings at the March 10, 2004 meeting.

ACTION ITEM 3: In progress: David Wiley will contact Michael Moore about whale immune response due to entanglement.

ACTION ITEM 4: The gillnet fishery community will prepare a summary statement providing the WG with information regarding the challenges, difficulties, time, costs, etc., of the effect on fishermen of major gear modifications. Steve Welch will present photographs of gillnet fisheries on Stellwagen Bank at the March 10, 2004 meeting. Pat Fiorelli will provide data from the past 10 years at the March 10, 2004 meeting.

ACTION ITEM 5: Dave Gouveia stated that it is too late to make an Amendment 13 inclusion to the NMFS and the New England Fisheries Management Council (NEFMC) that would permit fisherman to be credited for lost fishing time while they respond to and stand by entangled whales until the disentanglement team arrives. The Good Samaritan rule also cannot be used to credit fishermen for lost time. A discussion with Pat Fiorelli will occur to determine whether a SBNMS representative can attend the council meeting the week of February 15, 2004 to address this issue.

ACTION ITEM 6: Diane Borggaard will send it her presentation to Just Moller for inclusion in the Marine Mammal Entanglement WG meeting minutes.

ACTION ITEM 7: The SBNMS will work with NMFS and MADMF to explore a program (through a SBNMS Research Study Program) that would allow designated whale watch vessels to approach right whales for the purpose of documenting health indices (e.g., evidence of entanglement) and the photographic identification of individual animals.

ACTION ITEM 8: Dan McKiernan will get an estimate of the number of fishermen that will be part of the gear buy-back program.

ACTION ITEM 9: Gary Ostrom will write a brief background regarding the lobster fishery in the Greater Sanctuary area.

ACTION ITEM 10: Diane Borggaard will do a test mailing to all on the Marine Mammal Entanglement WG. WG members should send their email addresses to Diane for contact and Environmental Impact Statement information.

ACTION ITEM 11: Diane Borggaard will provide the Take Reduction Team meeting information from John Kenney to Dave Wiley and he will distribute it to all of the Marine Mammal Entanglement WG.

ACTION ITEM 12: Dave Wiley and Regina Asmutis will send the 2/10/04 Sanctuary Advisory Council meeting summary (regarding the issue of regulating fisheries within the Sanctuary) and flow chart to the Marine Mammal Entanglement WG.

ACTION ITEM 13: Dave Gouveia said NMFS will write a summary regarding the authority of the Center for Coastal Studies to perform disentanglements for the Existing Regulations section of the draft Marine Mammal Disentanglement Action Plan.

ACTION ITEM 14: Because enforcement does not need to be part of the draft Marine Mammal Disentanglement Action Plan, the Marine Mammal Entanglement WG will develop a separate Enforcement Action Plan. Activities listed in Strategy DE-2 (Enforcement) of the current draft Marine Mammal Disentanglement Action Plan will be written into it.

ACTION ITEM 15: Dan McKiernan, Nina Young, and Dave Gouveia will wordsmith Strategy DE-2 (Enforcement) Activity 2.1 of the current draft Marine Mammal Disentanglement Action Plan.

ACTION ITEM 16: Nina Young will draft text outlining the considerations that must be taken during public viewing of gear removed from entangled animals.

ACTION ITEM 17: Dave Wiley will distribute the Kozack *et al*, (XXXX) paper to members of the team.

Marine Mammal Entanglement Working Group Attendees (February 11, 2004)

Name	WG Seat/Affiliation	Attendance
Regina Asmutis	Chair - IWC	Present
Dave Wiley	Team Lead; SBNMS	Present
Dave Morin	Conservation; Center for Coastal Studies	Present
Sharon Young	Conservation; Humane Society of the U.S.	Present
Nina Young	Conservation; Ocean Conservancy	Present
Jennifer Kennedy	Conservation; Blue Ocean Society	Present
Stephen Welch	Commercial Fishing (Gillnet); Groundfish and Monkfish Advisor, NEFMC/Gillnet Fisherman	Present
Dan McKiernan**	State; MA Division of Marine Fisheries	Present
Marjorie Rossman	NMFS; NEFSC	Present
Lisa Conger	Science; New England Aquarium Right Whale Program	Present
Gary Ostrom	Massachusetts Lobsterman's Association	Present
Bill Bartlett	Lobsterman Area 1	Present
Dave Gouveia	NMFS Northeast Regional Office	Present
Ronnie Hunter	Captain John Boats	Absent
Dave Maciono	Gillnet Fisherman	Absent
John Pappalardo	Cape Cod Hook Fisherman	Absent
Edward Lyman	MA Division of Marine Fisheries**	Alt. Present
Pat Fiorelli	Council; NEFMC	Absent
Tom French	MA Division of Marine Fisheries	Absent
<u>Technical Advisor(s)</u>		
John F. Kenney	NOAA	Absent
<u>Others Present</u>		
Jim Bartlett	Lobsterman	Present
Diane Borggaard	NMFS; NMFS/PR	Present
David Dickson	The Ocean Conservancy	Present
Mason Weinrich	Whale Center of New England	Present
Nancy Padell	Perot Systems Rapporteur	Present

**Alternate for Ed Lyman

WELCOME AND INTRODUCTIONS

Regina Asmutis, Chair, opened the meeting at 9:30 AM with apologies to the WG for the delay in getting the agenda to them. The minutes from the January 7, 2004 Marine Mammal Entanglement WG meeting were passed out to the group and would be sent to each member for review and subsequent approval at the March 10, 2004 Marine Mammal Entanglement WG meeting.

Review of Action Items:

ACTION ITEM 1: At the next meeting (March 10, 2004), Marjorie Rossman will present seabird, sea turtle, and seal entanglement data for the period between 1997 through 2002 (and possibly other species as well, *e.g.*, Cetaceans, Pinnipeds, Odontocetes) collected from within the SBNMS and from within Massachusetts Bay. The purpose of the analysis is to compare and evaluate entanglement activity within the boundary of the Sanctuary with those in the general vicinity.

ACTION ITEM 2: In progress: David Wiley will contact the National Fish & Wildlife Service and Dave Gouveia will check with NOAA to determine who is responsible for seabird entanglements (*e.g.*, National Fish and Wildlife or NOAA). They will present their findings at the March 10, 2004 meeting.

ACTION ITEM 3: In progress: David Wiley will contact Michael Moore about whale immune response due to entanglement.

ACTION ITEM 4: The gillnet fishery community will prepare a summary statement providing the WG with information regarding the challenges, difficulties, time, costs, etc., of the effect of major gear modifications on fishermen. Steve Welch will present photographs of gillnet fisheries on Stellwagen Bank at the March 10, 2004 WG meeting. Pat Fiorelli will provide data from the past 10 years at the March 10, 2004 WG meeting.

ACTION ITEM 5: Dave Gouveia stated that it is too late to make an Amendment 13 inclusion to the NMFS and the NEFMC that would permit fisherman to be credited for lost fishing time while they respond to and stand by entangled whales until the disentanglement team arrives. The Good Samaritan rule also cannot be used to credit fishermen for lost time. A discussion with Pat Fiorelli will occur to determine whether a SBNMS representative can attend the council meeting the week of February 15, 2004 to address this issue.

ACTION ITEM 6: Diane Borggaard will send her presentation to Just Moller for inclusion in the Marine Mammal Entanglement WG meeting minutes.

PROPOSAL TO CREATE THE MASSACHUSETTS RIGHT WHALE CONSERVATION TEAM FOR WHALE WATCH VESSELS

Presentation by Dan McKiernan, Deputy Director of the Massachusetts Division of Marine Fisheries

Dan McKiernan of the Massachusetts Division of Marine Fisheries (MADMF) presented an overview of their Proposal to Create the Massachusetts Right Whale Conservation Team for Whale Watch Vessels in response to what he perceived as the questionable value and unintended consequences of the 500-yard rule.

Benefits of documentation of right whale occurrences include: photo-identification of animals for inclusion into right whale catalog; risk assessment as it relates to entanglement and ship strike; condition of animals (entangled, ship strike, unhealthy); and documentation of population size, distribution and movement patterns, life history traits/family trees, mothers and calves, behaviors, and location and number of animals in aggregations.

At the state and federal level, there exist large scale, dedicated vessel and aerial-based survey programs and research-oriented efforts permitted to monitor right whales in areas and times of known aggregations. However, there is no work done in Massachusetts Bay during the summer months. In 1986, two-dozen right whales, mostly mothers and calves, stayed in Massachusetts all summer. One concern of these survey programs was that the Commonwealth of Massachusetts needs a formal response to address the occasional “off-season” and “out-of-habitat” sighting of right whales in state and adjacent waters. It was determined that a formal summer-fall program to monitor for the presence of right whales and investigate sightings would be expensive and insufficient. The MADMF does not have adequate funding, personnel, or resources to sufficiently monitor right whales “out-of-season” or “out-of-habitat.”

The 500-yard approach rule was first developed in Massachusetts in 1989. The intent was to allow whale watch boats involved in research to continue to document right whale sightings. Researchers would apply to the state for an ID permit (authorization was through the state, not NMFS). Green World took the Rule to a federal level in 1994.

Since the adaptation of the 500-yard “no approach” zones around right whales, opportunistic sightings and documentation from whale watch vessels has declined precipitously. Current regulations state that the right whale must be suspected of being entangled in order to approach it. However, from a distance of 500 yards it is extremely difficult to determine if a right whale is entangled.

Mr. McKiernan recommended the following Proposal to Create the Massachusetts Right Whale Conservation Team for Whale Watch Vessels to the Working Group:

- Select whale watch boats to participate in the program.
- Train the whale watch captain and naturalist on proper photo-documentation of right whales, camera usage, and right whale approach guidelines during a one-evening training session held each year prior to the whale watch season.
- In order to participate, the whale watch boat must be equipped with a good digital camera (meeting specific requirements), a satellite or cellular phone, letter of authorization, and report forms.
- In the event of a right whale sighting, the vessel operator or naturalist would call NOAA Fisheries or the MA DMF to receive permission via a “temporary/real-time” permit to approach the whale(s).
- Each approach would be given a unique number representing the event.
- In the event of an opportunistic right whale sighting, the captain or naturalist of the certified whale watch vessel would call either NOAA Fisheries or the MA DMF for permission to approach, and if deemed necessary, would be given a temporary, real-time authorization to approach the whale(s) for purposes of photo-documentation and accessing.
- After permission is granted to approach the right whale(s), the captain or naturalist would be required to document the sighting in a formal sighting report, photograph the animal(s), call in the assessment upon departure, and send in the digital photographic images. This information would become property of the Commonwealth of Massachusetts and would be turned over to the New England Aquarium Catalog.

Advantages of the program:

- Cost effective
- Captains and naturalists are experienced
- Threat of collision is low (unseen whales are the primary problem)
- Enforcement is as simple as NMFS employees going on boats as passengers

Comments

The general whale watch boat population is hesitant to call in right whale sightings because of fear of prosecution.

Lisa Conger stated that right whale sightings need to be documented to build information on the species and habitats they are using because there are many gaps in the database. After a right whale has not been sighted for six years, it is presumed dead. She noted a case where a cow-calf pair, not sighted for a decade, was documented by a whale watch boat. She also indicated that animals seen summering in Massachusetts Bay do not necessarily go to the Bay of Fundy in the summer or southeast of the Georgia/N. Florida area in the winter and documentation of these animals is important.

Dave Morin said that all whales must be checked to see if they are entangled. If a whale watch boat accepts the responsibility to stand by an entangled whale, they must have to remain with the whale for a mandatory amount of time or switch off with another vessel. If they do not stand by the whale, it generally cannot be found by a rescue vessel.

Sharon Young stated that all groups that have been approached with this proposal idea have been supportive.

Dave Gouveia suggested that the SBNMS office make this proposal a pilot program first by allowing a certain number of whale watch vessels to participate in the controlled environment of the SBNMS. Collect research and develop a recommendation as to what should be an appropriate distance to approach a right whale. Once the research is completed, it can be determined if the regulations need to be changed and, if so, how to change them. It is very important that whale watch boats do not use this proposed program as a way to follow/harass right whales. This program must be very controlled to show a true benefit.

Mason Weinrich stated that cell phones do not work in certain areas of the SBNMS. If there is no pre-authorization permit, and the cell phone does not work, authorization cannot be granted to a vessel. VHF radio transmissions were considered by others in the WG.

Mason Weinrich stated that there is no way of telling if the 500-yard rule has helped or hurt conservation efforts of the right whale. A distance limit is needed.

Steve Welch suggested using people with a history of photographing right whales to ensure good results. Define whom the good whale watch vessels are and then do a lottery to choose the vessels for participation in the program.

Dave Wiley approved of making this a pilot program.

Gary Ostrom expressed concern that if recreational boaters see whale watch boats approach right whales within 500 yards that they will follow suit. Whale watch boats should be required to make an announcement on their PA system that they are authorized to approach a right whale to determine if it is entangled.

Regina Asmutis said the idea of having this proposed program go through the Sanctuary Research Program has merit.

Sharon Young suggested that the following three options should be explored: (1) modification of the existing permit, (2) small “take” exemption, and (3) research permit.

ACTION ITEM 7: The SBNMS will work with NMFS and MADMF to explore a program (through a SBNMS Research Study Program) that would allow designated whale watch vessels to approach right whales for the purpose of documenting health indices (e.g., evidence of entanglement) and the photographic identification of individual animals.

UPDATE ON GEAR BUY-BACK PROGRAM

Presentation by Dan McKiernan, Deputy Director of the Massachusetts Division of Marine Fisheries and Gary Ostrom, Massachusetts Lobsterman’s Association

The National Fish and Wildlife Foundation (NFWF) recently notified the International Fund for Animal Welfare (IFAW) that the Lobster Gear Replacement Project has been recommended to the NFWF Board of Directors for a grant of \$250,000. The purpose of this project is to reduce the risk of North American Right Whale entanglements in fishing gear through supporting Massachusetts’ inshore lobsterman with financial assistance in switching from floating line to a sinking line.

Massachusetts’ commercial lobstermen who fish trawls in Lobster Management Areas 1, 2, or Outer Cape, would be eligible to participate in this program. Those fishermen presently using polypropylene for their groundline would be given highest priority. However, those fishermen that have recently switched to low-profile groundline may also be able to participate if they still have their old polypropylene line to exchange. In either case, eligible lobstermen **must** turn in their old polypropylene line to a designated distributor that is participating in the project. The line would be weighed and recorded onsite. The old line will then be transported to a participating recycling company (2 lbs. of polypropylene line is approximately equal to 4.5 lbs. of sinking line). Lobstermen will then be issued a voucher, which they may use to purchase new, low-profile line at a participating distributor. The voucher will cover a substantial percentage of the cost of the new line. The actual percentage will depend on the level of participation and the availability of funding.

The week of January 26, 2004, the MADMF, IFAW, and Massachusetts Lobsterman’s Association mailed a letter and response card to all licensed Massachusetts’ lobstermen to help determine total eligibility, amount of line to be exchanged, and preferences for alternative low-profile line brands.

NFWF has placed three conditions on the grant that the project partners must meet as part of a grant agreement. IFAW has provided a three-page letter response to these conditions, and all are awaiting NFWF’s decision on the final grant.

Summary Table of NFWF Conditions and Impact on Project.

NFWF Conditions on Approval of \$250,000 Grant	Impact on Project	Comments
"IFAW must match these funds with \$500,000 in the non-federal funds raised specifically for this project."	Grant + Match brings the total project budget for Phase I to \$750,000.	If the grant is approved, we have \$250,000 toward a total Phase I project of \$750,000 for polypropylene buy-back. IFAW is currently pursuing other sources of funding to help meet the matching requirement (e.g., foundations, private donors).
"Prior study of the effectiveness and acceptance of the program will be conducted."	IFAW has documented line studies and regulations (new and anticipated) that address this condition.	IFAW believes that the documentation provided for this condition is sufficient.
"The fishing industry will contribute towards the purchase of a portion of the new line."	Available funding and total participation in the buy-back program will determine the lobsterman's contribution. In addition, fishing line manufacturers and distributors are expected to contribute through a price reduction program.	Response cards completed and returned to DMF by commercial lobstermen will determine the level of participation in this program. The deadline for returning response cards to DMF is February 16, 2004. Recycling of the old polypropylene line could also contribute to the program funds.
Other Funding Sources		
The President signed Public Law 108-199 on January 23, 2004, which includes the FY04 National Marine Fisheries Service budget. The budget includes a \$685,000 appropriation for Lobster Gear Replacement efforts by the NFWF.	These Congressional funds will potentially increase the total polypropylene buy-back project budget to approximately \$1.4-2.1 million, depending on matching requirements.	We are awaiting communication from NFWF with regard to how they intend to administer this appropriation for the lobster gear replacement project.

Comments

Gary Ostrom noted that this program is for lobster fishermen that fish in state waters only (about 1057 fishermen). Many lobstermen have already stopped using polypropylene line. Manufacturers of line are starting to understand the needs of the fishermen (*i.e.*, strong line that stays on the bottom). Better line will be available in 5 years.

Dan McKiernan indicated that the gear buy-back program should be available to fishermen that utilize the Sanctuary. However, some may have a landing permit for Massachusetts but a Federal fishing permit and would, therefore, not technically be eligible. However, he indicated that they would try to work with the Sanctuary to resolve this issue and allow Sanctuary lobstermen in the program.

Sharon Young stated that the NMFS budget has taken a huge hit and that if more money is needed for the buy-back program we need to talk to the state representatives to get additional funding.

ACTION ITEM 8: Dan McKiernan will get an estimate of the number of fishermen that will be part of the gear buy-back program.

ACTION ITEM 9: Gary Ostrom will write a brief background regarding the lobster fishery in the Greater Sanctuary area.

Agreement: The Marine Mammal Entanglement WG supports the gear buy-back program.

UPDATE ON DEVELOPMENTS FROM TAKE REDUCTION TEAM (TRT)

Discussion Leader: David Gouveia (NMFS) and Sharon Young (HSUS)

Dave Gouveia gave a brief overview of the previous TRT meeting. Highlights included:

- The meeting did not go as planned due to some last-minute changes in the agenda by the facilitator.
- The discussion on endlines was very disappointing because the group did not get to discuss what NMFS had hoped to.
- The team has made significant progress on the groundline issue.
- They received a lot of feedback regarding restructuring the group in the short term.
- The Gear Advisory Group (GAG) situation was readdressed. GAG will be split into Mid-Atlantic and Northeast teams.
- There is a need for a manageable number of people on the team to increase productivity.
- The group discussed how to take the final reports through the TRT process.

Diane Borggaard reported on the Environmental Impact Statement (EIS) process.

- The EIS and proposed rule should come out in late May 2004.
- The Public Hearing will be in June 2004 in Massachusetts. Currently deciding on 8-10 locations.
- The New England GAG meeting will be open to the public.
- The decision needs to be made regarding extending the EIS comment period from 45 days to 60 days.
- The TRT wants two meetings this summer during the end of the draft EIS comment period. While NMFS is considering this request, they may not have funding to have these meetings.
- The Final EIS and proposed rule should be done by early 2005.
- It was reported that two humpbacks were recently found entangled in gear that appeared to be some type of anchoring system.

Comments

David Gouveia stated that end lines are seen as a definite risk to marine mammals. Line that looks like end line is still being found on entangled animals.

Diane Borggaard reported that testing determined that reducing one end line did not work everywhere. We need to let the team figure out how to approach this problem.

Diane Borggaard said that feedback from the GAGs is needed to share with the team.

Bill Bartlett said that DAMS should be eliminated if gear is modified.

Steve Welch stated that more enforcement of the gear regulations is needed because some fishermen will not change their behavior. Mr. Welch suggested creating a laminated placard.

Dan McKiernan stated that help is needed with this problem to determine whether a certain endline configuration is beneficial to whales. A change in the endlines should not be proposed without determining if it works. Float tank work is being done with scale models. They hope to determine how currents affect end lines so that they can be modified rather than omitted. There is a plan to put mini depth recorders on endlines to see what the lines are doing. Mr. McKiernan added that this summer the proposed rule regarding area rules on where gear is required and the associated

timeframe is coming out. The WG needs to look at the proposed rule and focus on the things that are good for the Sanctuary.

Sharon Young stated that many fishermen are frustrated that the groundline issue is not being assessed. As far as the endline issue, the team is not willing to discuss it because of a difference of opinion about how important the issue is. Need the GAG people that are not part of the team to discuss it. A facilitator is needed to help the team. Non-team members are needed there for new input.

Gary Ostrom stressed that we need to keep the focus on groundlines. The fishermen are not sure if the breakaways are working therefore we must give it enough time to see if it works. Research shows partial evidence that one right whale died with a buoy in Florida.

Dave Gouveia stated that the GAG meetings are open to the public so the Marine Mammal Entanglement WG could attend their meetings. A NE GAG meeting is currently scheduled for March 23, 2004.

Sharon Young added that you can have an official GAG meeting and an un-official GAG meeting. The agency needs to use this process in addition to the TRT.

ACTION ITEM 10: Diane Borggaard will do a test mailing to all on the Marine Mammal Entanglement WG. WG members should send their email addresses to Diane for contact and EIS information.

ACTION ITEM 11: Diane Borggaard will provide the Take Reduction Team meeting information from John Kenney to Dave Wiley and he will distribute it to all of the Marine Mammal Entanglement WG.

ACTION ITEM 12: Dave Wiley and Regina Asmutis will send the 2/10/04 SAC meeting summary and flow chart (regarding the issue of regulating fishing within the Sanctuary) to the Marine Mammal Entanglement WG.

REVIEW DRAFT DISENTANGLEMENT ACTION PLAN

Discussion Leader Regina Asmutis, Chair IWC

The following changes were made to the draft Marine Mammal Disentanglement Action Plan via computer at this meeting.

Goal Statement

- The goal statement was revised to read, “...*without unduly impacting fisheries.*”

Introduction

- The date for the Weinrich citation was changed to “**1991.**”
- The third paragraph was changed to “...has authorized the *Atlantic Large Whale Disentanglement Network* to develop techniques...” In addition, the citation (*Morin, pers. comm..*) was added at the end of the last sentence.

- The last sentence of the Introduction was changed to read, "...Sanctuary *to weigh the traditional uses of the Sanctuary (commercial fisheries, whale watches, etc.)* with resource protection..."

Existing Regulations

- The Evaluation of Existing Regulations section head was changed to "***Existing Regulations.***"

ACTION ITEM 13: Dave Gouveia said NMFS will write a summary regarding the authority of the Center for Coastal Studies to perform disentanglements for the Existing Regulations section of the draft Marine Mammal Disentanglement Action Plan.

Strategies and Implementation:

Strategy DE-1 Develop protocols to improve sightings of entangled whales

The following rationale was added: "***In certain fisheries, such as gillnetting, fishermen are restricted to a specific number of allowed days-at-sea to fish. As such, they may be reluctant to standby an entangled whale at the expense of losing a day-at-sea.***"

- The DE-1 section head, Develop protocols for standby vessels, was changed to "***Develop protocols to improve sightings of entangled whales.***"
- Activities 1.1 and 1.2 remain as written.
- Activity 1.3 was changed to read, "***It is recommended that the Sanctuary create a Massachusetts Right Whale Conservation Team for Whale Watch Vessels through a SBNMS Research Study Program.***"
- Activity 1.4 was moved to Strategy DE-2 and was changed to read, "***It is recommended that commercial whale watch boats standby an entangled whale for a minimum of 45 minutes if no other boats are in the vicinity to hand off the whale to as a means to ensure adequate documentation and a reduced search area for the network responder.***"
- Activity 1.5 was moved to Strategy DE-2 and changed to read "...for ***vessels*** that standby entangled whales."
- Activity 1.6 was moved to Strategy DE-2 and changed to read, "materials for ***sighting, reporting, and*** standing by an entangled whale."
- Activity 1.7 became the new Activity 1.4.

Comments

Standing by an entangled whale increases the chance that they can be disentangled. If a vessel does not stand by a whale, it is rare that a rescue vessel can find the whale again. It is essential to have a standby vessel and credit the time fishermen spend standing by an entangled whale.

Strategy DE-2 Improve reporting

- The DE-2 section head, Enforcement, was changed to "***Improve reporting***" as a result of Enforcement being removed from this document.
- The former Strategy DE-1 Activities 1.4, 1.5, and 1.6 were reworded and moved to this section as Activities 2.1, 2.2, and 2.3, respectively.

Comments

Dave Gouveia suggested that someone should compile all SBNMS enforcement issues for the 12 working groups into one document and then lobby for enforcement funding. It does not make sense to have 12 different enforcement documents. Enforcement programs should coordinate their activities with NMFS.

Regina Asmutis suggested enforcement should be part of the general action plan with outreach/education because the key to compliance is education and outreach.

Dave Wiley stated that the SBNMS has funding for enforcement but more funding would be needed for enforcement at the level the group was identifying.

Agreement: Enforcement does not need to be part of this Marine Mammal Disentanglement Action Plan.

ACTION ITEM 14: Because enforcement does not need to be part of this Marine Mammal Disentanglement Action Plan, the Marine Mammal Entanglement WG will develop a separate Enforcement Action Plan. Activities listed in DE-2 (Enforcement) of the current draft Marine Mammal Disentanglement Action Plan will be written into it.

ACTION ITEM 15: Dan McKiernan, Nina Young, and Dave Gouveia will wordsmith Strategy DE-2 (Enforcement) Activity 2.1 of the current draft Marine Mammal Disentanglement Action Plan.

Strategy DE-3 Outreach/education to improve disentanglement

- The DE-3 section head was changed from Outreach/Education to “***Outreach/education to improve disentanglement***”
- Activity 3.1 sparked a lot of discussion as to whether fishermen can be allowed to see fishing gear that has been removed from an entangled whale. Ultimately, Activity 3.1 was moved to Strategy DE-4 (Research), reworded, and made Activity 4.1.
- The wording of Activity 3.2 remained the same and it was renumbered as Activity 3.1.
- Activity 3.2, “***Prepare laminated placards stating the rules for reporting entangled whales to post on vessels and at piers***” was added.

Comments

Dave Gouveia mentioned that this issue is much bigger than just for the Sanctuary. NMFS has to work on this issue because if it is deemed acceptable for Sanctuary fishermen to view the gear then it may not be acceptable elsewhere in the U.S. This would be seen as unfair. NMFS has to make a determination so that whatever NMFS develops will hold true for the Sanctuary. People want to see the gear and touch it so they can believe the government’s determination of what type of gear entangled a whale.

Nina Young expressed concern that consideration must be paid to chain-of-custody issues and not impeding an investigation of the entanglement.

ACTION ITEM 16: Nina Young will draft text outlining the considerations that must be taken during public viewing of gear removed from entangled animals.

Agreement: The Sanctuary will maintain existing outreach programs that encourage public awareness.

Recommendation: Dan McKiernan recommended to the WG that an open meeting be held every January to demonstrate gear that was found on an entangled whale. Fishermen invited via an email distribution list could see the gear and evaluate the gear against the report findings as to what type of gear it was. The WG was in favor of this idea.

Agreement: The WG agreed that there should be an annual meeting to view fishing gear removed from entangled whales.

Strategy DE-4 Research

- Activity 3.1 was moved here as Activity 4.1. It was reworded to say; “*It is recommended that the Sanctuary help NMFS to develop an annual meeting to allow interested parties to view gear removed from entangled whales. This meeting would also allow interested parties to provide comments for NMFS records regarding the viewed gear*”.
- Activity 4.2 was reworded to read, “*The Sanctuary should be instrumental in investigating a functional gear marking system.*”
- Activity 4.3 was added. It states “*It is recommended that the Sanctuary should investigate a means of developing a surface marking system to identify gear type and anchoring systems.*”

Comments

Lisa Conger would like to see all line marked so if it is found entangled on a marine mammal it can be traced back to a particular fisherman or fishery.

Gary Ostrom and Bill Bartlett objected to the idea of marking line because physically marking line can only be done when the line is new and dry, it is time consuming, and the marking does not last.

Diane Borggaard stated that discussions on marking line are continuing and there is currently no legitimate way to mark line on a wide scale.

Agreement: The WG agreed that the Sanctuary should remain involved in gear modification research.

Strategy DE-5 Emerging Issues

This strategy was not addressed.

BEGIN DISCUSSION AND DEVELOP MATRIX REGARDING TRAP FISHERIES ACTION PLAN

Discussion Leader: David Wiley, Research Coordinator, SBNMS and Regina Asmutis, Chair IWC

The discussion regarding the Trap Fisheries Action Plan resulted in the draft action plan presented in the following section.

DEVELOP ACTION PLAN FOR TRAP FISHERIES BASED ON PREVIOUS DISCUSSION

Discussion Leader: David Wiley, Research Coordinator, SBNMS and Regina Asmutis, Chair IWC

General Recommendations

- 1.1 It is recommended that the Trap Fisheries Action Plan be implemented within 5 years or sooner if mandated by NMFS.
- 1.2 It is recommended that the Trap Fisheries Action Plan cover all current and future trap/pot fisheries.
- 1.3 It is recommended that within 5 years, or sooner as required by NMFS, that all current and future trap/pot fisheries use sinking groundlines in the Sanctuary or comply with the NMFS regulations if they are more stringent.
- 1.4 It is recommended that the uniform breakaway strength of 600 pounds for weak links be used in the Sanctuary.

ACTION ITEM 17: Dave Wiley will distribute the Kozack *et al.* (XXXX) paper to members of the team.

Research

- 1.1 It is recommended that because buoy lines are currently undergoing research and development, the next management plan will investigate vertical lines (buoy lines) and how to make them less risky. However, any new innovations mandated by NMFS should also be implemented in the Sanctuary.
- 1.2 It is recommended that the possibility of gear marking of newly fabricated groundline should be explored as part of the buy-back program. It is recommended that it be marked in such a way that identifies it as groundline that is part of the gear buy-back program.
- 1.3 It is recommended that the number and type of deployed gear in the SBNMS be determined to ascertain who uses the area and when (for data collection purposes only). A seasonal and annual risk assessment would determine what gear is there when whales are there.
- 1.4 It is recommended that the SBNMS continue surveying (by aerial surveys or vessel surveys) the entire Stellwagen Bank for co-occurrence of whales and gear.
- 1.5 It is recommended that the SBNMS explore ways to mark different fixed gears so they can be identified by surface markings (buoys and anchoring systems with the name of the vessel, different colored poly balls, etc.) within 5 years (or sooner if mandated by the NMFS).
- 1.6 It is recommended that the Sanctuary be used as a testing ground for new technologies as they become available to reduce the risk of entanglement to animals.
- 1.7 It is recommended that funds be made available to develop whale-safe gear.
- 1.8 It is recommended that research in the Sanctuary on endline profiles be encouraged to determine entanglement risks from the various configurations.

- 1.9 It is recommended that the Sanctuary continue to work with fishermen, conservationists, NMFS, and MADMF to develop low-risk gear.

Outreach/Education

- 1.1 It is recommended that SBNMS staff work with and encourage conservation scientists and fishermen to apply for NFWF grant money or NMFS mini-grants.
- 1.2 It is recommended that the SBNMS develop an outreach program specific to fishermen regarding fishing regulations in the Sanctuary.

Enforcement

The WG decided that, because enforcement covers a variety of overlapping areas, a separate action plan for enforcement would be developed.

NEXT STEPS

1. Meeting Schedule and Location

The WG members agreed to meet again on Wednesday, March 10, 2004 at the Division of Marine Fisheries in Gloucester, Massachusetts.

2. Proposed Agenda Outline for Meeting

Finish Marine Mammal Disentanglement Action Plan
Finalize the Trap Fisheries Action Plan
Start the Gill Net Action Plan
Marjorie Rossman's presentation

Gerry E. Studds Stellwagen Bank National Marine Sanctuary
Management Plan Review

Marine Mammal Entanglement Working Group – Agenda

Date: 11 February 2004
Location: SBNMS, Scituate, MA

TIME	TOPICS AND OBJECTIVES
9:00 – 9:15	Welcome and Adoption of Agenda (Review and adoption of the January 7 meeting minutes will be postponed until the March 10 meeting) Discussion Leader: Regina Asmutis
9:15 – 9:30	Review Action Items Discussion Leader: Regina Asmutis
9:30 – 10:15	Presentations: 1. Dan McKiernan, Deputy Director of the MA. Division of Marine Fisheries, “ <i>Proposal to Create the Massachusetts Right Whale Conservation Team for Whale Watch Vessels</i> ” 2. Erin Heskett, IFAW, “ <i>Update on the Gear Buy-Back Program</i> ”
10:15 – 11:00	Review DRAFT Disentanglement Action Plan Discussion Leader: Regina Asmutis
11:00 – 11:15	• BREAK
11:15 – 11:45	Update on Developments from TRT Discussion Leader: David Gouveia (NMFS)/Sharon Young (HSUS)
11:45 – 12:15	Begin Discussion and Develop Matrix Regarding Trap Fisheries Action Plan Discussion Leader: David Wiley and Regina Asmutis
12:15 – 12:45	• LUNCH
12:45 – 16:00 (Break: 14:30)	Develop Action Plan for Trap Fisheries Based on Previous Discussion. Discussion Leader: David Wiley and Regina Asmutis
16:00 – 16:30	Next Steps: - Meeting Schedule - Agenda for Meeting #4 (March 10 th): Working Group Recommendations for Reducing Risk Gillnets/Develop AP. Discussion Leader: Regina Asmutis